

REMARKS

Claims 16-23, 25-44 and 46-47 are pending in this application. By this Amendment, claims 16, 28, 46 and 47 are amended solely for clarity and are not further narrowed. No new matter is added.

In the Office Action, claims 16-17, 20, 22, 26, 27 and 47 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 1,364,188 to Draenert in view of German Patent Publication No. DE 4,207,581A1 to Wanzl. Additionally, claims 19, 21, 25 and 46 are rejected under 35 U.S.C. §103(a) over Draenert in view of Wanzl. These rejections are respectfully traversed.

Each of independent claims 16, 46 and 47 are directed to a toothbrush having an aesthetically pleasing handle. In particular, these claims are directed to a toothbrush having a bristle-carrying front head part and a handle provided with an essentially cylindrical enclosed inner cavity extending over at least part of the length of the handle. The part of the handle that encloses the cavity is at least partially transparent. The elongated article provided for an aesthetic effect is accommodated in the closed cavity, extends in the longitudinal direction of the toothbrush, and is visible at least partially through the transparent part of the handle. The elongated article is in the form of a cylindrical hollow roll having an essentially cylindrical outer surface bearing against an inner wall of the cavity.

None of the applied references teach or suggest such a combination of features. Draenert discloses a toothbrush in Figs. 2 and 3 provided with a hollow transparent handle 3. However, the handle has a rectangular cross-section. Moreover, although flat strips 20 containing advertising matters 21 are provided, these are placed on a front surface of the handle and a face plate 23 is provided over the strips to form a cover (Page 2, lines 27-36 and 42-52). Draenert differs from the recited claims in several respects. First, the cavity in Draenert is substantially rectangular and initially opens in its length on one or more sides. Second, the strips 20 are in strip form, not in a hollow roll form. Third, the strips 20 do not

bear against an inner wall of cavity 4. Instead, strips are placed over open front and back sides of the open cavity and form the inner walls of the cavity. The strips are then covered by faceplates 23. Thus, at best, the strips are incorporated to form a wall of the cavity 4, but do not bear against an inner wall of the cavity.

Wanzl fails to overcome the deficiencies of Draenert with respect to independent claim 16, 46 and 47. Wanzl is not directed to a toothbrush, but is instead directed to a shopping cart 1 that is provided with a push handle 5 (Fig. 2). Handle 5 has a cylindrical cross-section and includes a tubular inner handle member 7. A sheet-like printed insert 8 is placed around the handle member 7 and covers the latter around at least part of its circumference. Printed insert 8 is then covered by a cover member 9, which consist of a transparent material.

First, Wanzl is directed to non-analogous art. A person skilled in the art concerned with improving the design of a toothbrush would not look to the field of shopping carts for inspiration.

Moreover, even if a person skilled in the art would have combined the teachings of Draenert and Wanzl, the combination would not result in the toothbrush recited in claims 16, 46 and 47. This is because in Wanzl the printed insert is arranged between handle member 7 and cover member 9, and is not bearing against an inner wall of the cavity member as claimed. Rather, at best, the combination would provide a toothbrush handle consisting of an inner tubular support member corresponding to handle member 7 of Wanzl covered by a printed sheet corresponding to printed sheet 8, which is in turn covered by a transparent protective cover, corresponding to cover member 9 of Wanzl.

Accordingly, independent claims 16, 46 and 47 define over Draener and Wanzl and contain patentable subject matter. Dependent claims 17, 19-22, and 25-27 are also allowable

for their dependence on allowable independent claim 16, and for the additional features recited therein.

Withdrawal of the rejection is respectfully requested.

In the Office Action, claim 23 is rejected under 35 U.S.C. §103(a) over Draenert in view of Wanzl, further in view of U.S. Patent No. 3,325,847 to Meranto. This rejection is respectfully traversed.

Meranto fails to overcome the deficiencies of Draenert and Wanzl with respect to independent claim 16. Moreover, cover 14 in Meranto is not a closure part designed to close an inner cavity, but is instead designed to fit over a conventional toothbrush handle. Accordingly, claim 23 is allowable for its dependence on allowable base claim 16, as well as for the additional features recited therein.

Withdrawal of the rejection is respectfully requested.

In the Office Action, claims 28-35, 37, 39-41, and 43-44 are rejected under 35 U.S.C. §103(a) over Draenert in view of U.S. Patent No. 6,000,410 to Tortorice. Additionally, claims 38 and 42 are rejected under 35 U.S.C. §103(a) over Draenert in view of Tortorice. These rejections are respectfully traversed.

Independent claim 28 is directed to a toothbrush with an aesthetically pleasing handle element. In particular, claim 28 recites a toothbrush having a bristle-carrying front head part and a handle provided with an essentially cylindrical enclosed inner cavity. At least that part of the handle that encloses the cavity consists of at least an at least partially transparent material. An elongated article provided for an aesthetic effect is accommodated in the closed cavity. The article is formed by an ampoule that (1) is filled with an aesthetic effect element, (2) has printing on the ampoule, or (3) has a film adhesively bonded to the ampoule.

Draenert is discussed above and, as admitted in the Office Action, fails to provide an ampoule with an enclosed cavity. For this feature, the Office Action relies on Tortorice. It is

respectfully submitted that the Office Action again misinterprets the disclosure of Tortorice. The Office Action asserts that an ampoule (36) is filled for an aesthetic effect (col. 4, line 55-col. 5, line 46). However, element 36 is not an ampoule, but is instead a hollow handle component. This handle component 36 is directly filled with decorative fluid 52 (col. 4, lines 9-10 and 50-52). In other words, the decorative fluid 52 is positioned directly within the interior 36 of handle component 36 without using an ampoule provided within a hollow and transparent cavity of a handle as recited in independent claim 28.

Accordingly, even if combined, the combination fails to teach or suggest all of the features of independent claim independent claim 28. Dependent claim 29-44 are allowable for their dependence on allowable base claim 28 and for the additional features recited therein.

Withdrawal of the rejection is respectfully requested.

In the Office Action, claims 40-41 are rejected under 35 U.S.C. §103(a) over Draenert in view of Tortorice, further in view of Meranto. This rejection is respectfully traversed.

Draenert and Tortorice are discussed above. Meranto fails to overcome the deficiencies of Draenert and Tortorice with respect to independent claim 28. Moreover, as pointed out above with respect to the rejection of claim 23, Meranto is not a closure part that closes a cavity as recited in the claims. Accordingly, claims 40-41 are allowable for their dependence on independent claim 28 and for the additional features recited therein.

Withdrawal of the rejection is respectfully requested.

In the Office Action, claim 36 is rejected under 35 U.S.C. §103(a) over Draenert in view of Tortorice, further in view of U.S. Patent No. 2,489,707 to Eubanks. This rejection is respectfully traversed.

Draenert and Tortorice are discussed above. Eubanks fails to overcome the deficiencies of these references with respect to independent claim 28. Moreover, Eubanks

does not teach or suggest securing means comprising rearwardly directed tongues arranged in the form of a circle as recited in dependent claim 36.

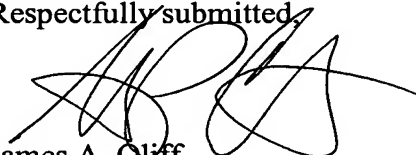
Accordingly, claim 36 is allowable for its dependence on independent claim 28 and for the additional features recited therein.

Withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 16-23, 25-44 and 46-47 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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